

REMARKS

Claims 1-4, 11-15, 19 and 20 are pending. Claims 5-10 and 16-18 have been cancelled, without prejudice, to comply with the scope of the elected subject matter. Applicants reserve the right to pursue the cancelled subject matter in future divisional or continuation applications.

The provisos in claims 1 and 4 have been amended to recite compounds of Formula (III) that contain only one nitric oxide releasing group. The amended provisos are supported by the specification at, for example, Examples 1-8. The added proviso in claim 1 is supported by the specification at, for example, page 22, line 34 to page 23, line 2. In view thereof, claim 20 has been amended.

No issues of new matter should arise and entry of the amendment is respectfully requested.

I. Rejection under 35 U.S.C. § 102

Claims 1 and 3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Nikolaeva et al (Izvestiya Vysshikh Uchebnykh Zavedenii, Khimiya I Khimicheskaya Tekhnologiya 1975, 18 (11), 1715-16).

Applicants respectfully traverse the rejection and respectfully submit that the amended claims are not anticipated by Nikolaeva. In particular, Applicants note that the provisos in claims 1 and 4 have been amended to compounds that contain only one nitric oxide releasing group.

Nikolaeva discloses compounds that contain two nitric oxide releasing groups (i.e., two nitrooxy groups). Nikolaeva does not disclose or suggest the compounds of the present invention that contain only one nitric oxide releasing group. The compounds of the invention are not disclosed in Nikolaeva and are structurally different from the compounds described in Nikolaeva. Additionally, there is no motivation for one skilled in the art to make the claimed compounds based on the teachings in Nikolaeva.

In view thereof, Applicants respectfully submit that the claims of the present invention are not anticipated by and are unobvious over Nikolaeva, and respectfully request the rejection under 35 U.S.C. § 102 be withdrawn.

II. Allowable Subject Matter

Applicants thank the Examiner for indicating that Example 4 is allowable.

III. Expanded Search

In view of the amendment to claim 1 to overcome the rejection, Applicants thank the Examiner for continuing the examination.

IV. Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0219, under Order No. 0102258.00368US2 from which the undersigned is authorized to draw.

Respectfully submitted,

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/Belinda M. Lew/
Belinda M. Lew, Ph.D.
Registration No.: 53,212
Attorney for Applicant(s)

Wilmer Cutler Pickering Hale and Dorr LLP
1875 Pennsylvania Avenue, NW
Washington, DC 20006
(202) 663-6000 (telephone)
(202) 663-6363 (facsimile)